

22045

## UTILITY PATENT APPLICATION TRANSMITTAL

Address to: Mail Stop PATENT APPLICATION Commissioner for Patents U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	SNM 0123 PUSP1
	Inventor(s) or Appln. Identifier	Kenneth Powell

 03917 U.S. PTO  
 10/680740


1. This application entitled A NON-MAGNETIC FASTENER WITH MAGNETIC LOCKING NAIL AND TWO-STAGE HAMMER APPARATUS is:

- a. ☐ A new application under 37 C.F.R. § 1.53(b).
- b. ☒ A ☐ continuation ☒ divisional or ☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 10/247,201 filed on September 19, 2002, entitled A Non-Magnetic Fastener With Magnetic Locking Nail and Two-Stage Hammer Apparatus.
- c. ☐ A new utility application which claims the benefit of provisional application Serial No.         , filed on         .

Application elements and other attached papers:

2. ☒ Specification (including Claims and Abstract) [Total Pages 11]
3. ☒ Drawings (☐ informal / ☒ formal) [Total Sheets 2]
4. ☒ Oath or Declaration
- a. ☐ Newly-executed
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
5. ☐ Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
- \_\_\_\_\_
- \_\_\_\_\_
- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop Patent Application, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Express

Mail Label No. EL 961 108 822 USAmy C. Page

(Type or print name of person mailing paper)

Date of Deposit: 10/07/03[Signature]

(Signature of person mailing paper)

7. Preliminary Amendment:

- a. ☐ A Preliminary Amendment Under 37 C.F.R. § 1.115 is attached.
- b. ☒ Cancel in this application original claims 1-6 of the prior application before calculating the filing fee.
- c. ☒ Please amend the specification by inserting before the first line the following sentence:  
 "This is a ☐ continuation ☒ divisional of copending  
 application(s) serial number 10/247,201 filed on September 19, 2002."
- d. ☐ A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

8. Small entity status:

- a. ☒ Applicant claims small entity status.
- b. ☐ Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer desired.

9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	2 -20 =		x 18.00	
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	1 -3 =		x 86.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			290.00	
BASIC FEE (37 C.F.R. § 1.16(a))				770.00
TOTAL OF ABOVE CALCULATIONS				770.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				385.00
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				
TOTAL				385.00

10. ☒ A check in the amount of \$ 385.00 is enclosed.
11. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978 :
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.
12. Maintenance of Copendency of Prior Application

☐ A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_.

13.   x   An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:
- a.   x   Form PTO/SB/08A (   1   sheet(s))
- b.        Copies of references cited
14.        Certified copy of priority document(s) AND        English Translation Document (if applicable)
15.        Nonpublication Request Under 37 C.F.R. § 1.213(a)
16.        Request for Early Publication Under 37 C.F.R. § 1.219
17.   X   Return Receipt Postcard
18.        Other: \_\_\_\_\_
19.   x   An Assignment of the invention to   K & R Industries, Inc.    
having an address of   100 Petty Road, Suite A, Lawrenceville, Georgia, 30043
- a.   x   is attached.
- b.   x   was recorded on   December 17, 2002   at Reel   013586  , Frame   0465  .
- c.        Applicant requests that the above assignee information be published with the application.
20. The power of attorney in the prior application is to:
- |                            |          |
|----------------------------|----------|
| _____                      | _____    |
| Name of Attorney of Record | Reg. No. |
- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on \_\_\_\_\_.
- A new power has been executed and is attached.
21. Correspondence Address: Please address all future communications to:

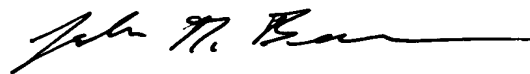
CUSTOMER NO.

**22045**

Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

Kenneth Powell



Date   10-07-03  

Name: John R. Buser  
Registration No.: 51,517

  x   Attorney or agent of record  
       Filed under Rule 34(a)